



General Assembly

Substitute Bill No. 952

January Session, 2015



AN ACT CONCERNING A SECOND CHANCE SOCIETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-279 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) Any person who possesses or has under his or her control any
4 quantity of any narcotic substance, controlled substance or
5 hallucinogenic substance other than marijuana or who possesses or has
6 under his or her control one-half ounce or more of a cannabis-type
7 substance, except as authorized in this chapter, [for a first offense, may
8 be imprisoned not more than seven years or be fined not more than
9 fifty thousand dollars, or be both fined and imprisoned; and for a
10 second offense, may be imprisoned not more than fifteen years or be
11 fined not more than one hundred thousand dollars, or be both fined
12 and imprisoned; and for any subsequent offense, may be imprisoned
13 not more than twenty-five years or be fined not more than two
14 hundred fifty thousand dollars, or be both fined and imprisoned] shall
15 be guilty of a class A misdemeanor.

16 [(b) Any person who possesses or has under his control any
17 quantity of a hallucinogenic substance other than marijuana or four
18 ounces or more of a cannabis-type substance, except as authorized in
19 this chapter, for a first offense, shall be guilty of a class D felony, and

20 for a subsequent offense shall be guilty of a class C felony.

21 (c) Any person who possesses or has under his control any quantity
22 of any controlled substance other than a narcotic substance, or a
23 hallucinogenic substance other than marijuana or who possesses or has
24 under his control one-half ounce or more but less than four ounces of a
25 cannabis-type substance, except as authorized in this chapter, (1) for a
26 first offense, may be fined not more than one thousand dollars or be
27 imprisoned not more than one year, or be both fined and imprisoned;
28 and (2) for a subsequent offense, shall be guilty of a class D felony.]

29 [(d)] (b) Any person who violates subsection (a) [, (b) or (c)] of this
30 section in or on [, or within one thousand five hundred feet of,] the real
31 property comprising a public or private elementary or secondary
32 school and who is not enrolled as a student in such school or a licensed
33 child day care center, as defined in section 19a-77, that is identified as a
34 child day care center by a sign posted in a conspicuous place shall be
35 [imprisoned for a term of two years, which shall not be suspended and
36 shall be in addition and consecutive to any term of imprisonment
37 imposed for violation of subsection (a), (b) or (c) of this section] guilty
38 of a class E felony.

39 [(e) As an alternative to the sentences specified in subsections (a)
40 and (b) and specified for a subsequent offense under subsection (c) of
41 this section, the court may sentence the person to the custody of the
42 Commissioner of Correction for an indeterminate term not to exceed
43 three years or the maximum term specified for the offense, whichever
44 is the lesser, and at any time within such indeterminate term and
45 without regard to any other provision of law regarding minimum term
46 of confinement, the Commissioner of Correction may release the
47 convicted person so sentenced subject to such conditions as he may
48 impose including, but not limited to, supervision by suitable authority.
49 At any time during such indeterminate term, the Commissioner of
50 Correction may revoke any such conditional release in his discretion
51 for violation of the conditions imposed and return the convicted
52 person to a correctional institution.]

53 [(f)] (c) To the extent that it is possible, medical treatment rather
54 than criminal sanctions shall be afforded individuals who breathe,
55 inhale, sniff or drink the volatile substances [defined] described in
56 subdivision (49) of section 21a-240.

57 [(g)] (d) The provisions of [subsections (a) to (c), inclusive,]
58 subsection (a) of this section shall not apply to any person (1) who in
59 good faith, seeks medical assistance for another person who such
60 person reasonably believes is experiencing an overdose from the
61 ingestion, inhalation or injection of intoxicating liquor or any drug or
62 substance, (2) for whom another person, in good faith, seeks medical
63 assistance, reasonably believing such person is experiencing an
64 overdose from the ingestion, inhalation or injection of intoxicating
65 liquor or any drug or substance, or (3) who reasonably believes he or
66 she is experiencing an overdose from the ingestion, inhalation or
67 injection of intoxicating liquor or any drug or substance and, in good
68 faith, seeks medical assistance for himself or herself, if evidence of the
69 possession or control of a controlled substance in violation of
70 subsection (a) [, (b) or (c)] of this section was obtained as a result of the
71 seeking of such medical assistance. For the purposes of this subsection,
72 "good faith" does not include seeking medical assistance during the
73 course of the execution of an arrest warrant or search warrant or a
74 lawful search.

75 Sec. 2. Subsection (c) of section 7-294d of the general statutes is
76 repealed and the following is substituted in lieu thereof (*Effective*
77 *October 1, 2015*):

78 (c) (1) The council may refuse to renew any certificate if the holder
79 fails to meet the requirements for renewal of his or her certification.

80 (2) The council may cancel or revoke any certificate if: (A) The
81 certificate was issued by administrative error, (B) the certificate was
82 obtained through misrepresentation or fraud, (C) the holder falsified
83 any document in order to obtain or renew any certificate, (D) the
84 holder has been convicted of a felony, (E) the holder has been found

85 not guilty of a felony by reason of mental disease or defect pursuant to
86 section 53a-13, (F) the holder has been convicted of a violation of
87 [subsection (c) of] section 21a-279, as amended by this act, (G) the
88 holder has been refused issuance of a certificate or similar
89 authorization or has had his or her certificate or other authorization
90 cancelled or revoked by another jurisdiction on grounds which would
91 authorize cancellation or revocation under the provisions of this
92 subdivision, (H) the holder has been found by a law enforcement unit,
93 pursuant to procedures established by such unit, to have used a
94 firearm in an improper manner which resulted in the death or serious
95 physical injury of another person, or (I) the holder has been found by a
96 law enforcement unit, pursuant to procedures established by such
97 unit, to have committed any act that would constitute tampering with
98 or fabricating physical evidence in violation of section 53a-155, perjury
99 in violation of section 53a-156 or false statement in violation of section
100 53a-157b. Whenever the council believes there is a reasonable basis for
101 cancellation or revocation of the certification of a police officer, police
102 training school or law enforcement instructor, it shall give notice and
103 an adequate opportunity for a hearing prior to such cancellation or
104 revocation. The council may cancel or revoke any certificate if, after a
105 de novo review, it finds by clear and convincing evidence (i) a basis set
106 forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii)
107 that the holder of the certificate committed an act set forth in
108 subparagraph (H) or (I) of this subdivision. Any police officer or law
109 enforcement instructor whose certification is cancelled or revoked
110 pursuant to this section may reapply for certification no sooner than
111 two years after the date on which the cancellation or revocation order
112 becomes final. Any police training school whose certification is
113 cancelled or revoked pursuant to this section may reapply for
114 certification at any time after the date on which such order becomes
115 final.

116 Sec. 3. Subsection (b) of section 29-28 of the general statutes is
117 repealed and the following is substituted in lieu thereof (*Effective*
118 *October 1, 2015*):

(b) Upon the application of any person having a bona fide permanent residence within the jurisdiction of any such authority, such chief of police, warden or selectman may issue a temporary state permit to such person to carry a pistol or revolver within the state, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which such applicant may be permitted to carry under such permit other than a lawful use and that such person is a suitable person to receive such permit. No state or temporary state permit to carry a pistol or revolver shall be issued under this subsection if the applicant (1) has failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association, (2) has been convicted of (A) a felony, or (B) on or after October 1, 1994, a violation of [subsection (c) of] section 21a-279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (5) (A) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680,

154 (6) is subject to a restraining or protective order issued by a court in a
155 case involving the use, attempted use or threatened use of physical
156 force against another person, (7) is subject to a firearms seizure order
157 issued pursuant to subsection (d) of section 29-38c after notice and
158 hearing, (8) is prohibited from shipping, transporting, possessing or
159 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien
160 illegally or unlawfully in the United States, or (10) is less than twenty-
161 one years of age. Nothing in this section shall require any person who
162 holds a valid permit to carry a pistol or revolver on October 1, 1994, to
163 participate in any additional training in the safety and use of pistols
164 and revolvers. No person may apply for a temporary state permit to
165 carry a pistol or revolver more than once within any twelve-month
166 period, and no temporary state permit to carry a pistol or revolver
167 shall be issued to any person who has applied for such permit more
168 than once within the preceding twelve months. Any person who
169 applies for a temporary state permit to carry a pistol or revolver shall
170 indicate in writing on the application, under penalty of false statement
171 in such manner as the issuing authority prescribes, that such person
172 has not applied for a temporary state permit to carry a pistol or
173 revolver within the past twelve months. Upon issuance of a temporary
174 state permit to carry a pistol or revolver to the applicant, the local
175 authority shall forward the original application to the commissioner.
176 Not later than sixty days after receiving a temporary state permit, an
177 applicant shall appear at a location designated by the commissioner to
178 receive the state permit. The commissioner may then issue, to any
179 holder of any temporary state permit, a state permit to carry a pistol or
180 revolver within the state. Upon issuance of the state permit, the
181 commissioner shall make available to the permit holder a copy of the
182 law regarding the permit holder's responsibility to report the loss or
183 theft of a firearm and the penalties associated with the failure to
184 comply with such law. Upon issuance of the state permit, the
185 commissioner shall forward a record of such permit to the local
186 authority issuing the temporary state permit. The commissioner shall
187 retain records of all applications, whether approved or denied. The
188 copy of the state permit delivered to the permittee shall be laminated

189 and shall contain a full-face photograph of such permittee. A person
190 holding a state permit issued pursuant to this subsection shall notify
191 the issuing authority within two business days of any change of such
192 person's address. The notification shall include the old address and the
193 new address of such person.

194 Sec. 4. Subsection (b) of section 29-36f of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective*
196 *October 1, 2015*):

197 (b) The Commissioner of Emergency Services and Public Protection
198 shall issue an eligibility certificate unless said commissioner finds that
199 the applicant: (1) Has failed to successfully complete a course
200 approved by the Commissioner of Emergency Services and Public
201 Protection in the safety and use of pistols and revolvers including, but
202 not limited to, a safety or training course in the use of pistols and
203 revolvers available to the public offered by a law enforcement agency,
204 a private or public educational institution or a firearms training school,
205 utilizing instructors certified by the National Rifle Association or the
206 Department of Energy and Environmental Protection and a safety or
207 training course in the use of pistols or revolvers conducted by an
208 instructor certified by the state or the National Rifle Association; (2)
209 has been convicted of a felony or of a violation of [subsection (c) of]
210 section 21a-279, as amended by this act, or section 53a-58, 53a-61, 53a-
211 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3)
212 has been convicted as delinquent for the commission of a serious
213 juvenile offense, as defined in section 46b-120; (4) has been discharged
214 from custody within the preceding twenty years after having been
215 found not guilty of a crime by reason of mental disease or defect
216 pursuant to section 53a-13; (5) (A) has been confined in a hospital for
217 persons with psychiatric disabilities, as defined in section 17a-495,
218 within the preceding sixty months by order of a probate court; or (B)
219 has been voluntarily admitted on or after October 1, 2013, to a hospital
220 for persons with psychiatric disabilities, as defined in section 17a-495,
221 within the preceding six months for care and treatment of a psychiatric

222 disability and not solely for being an alcohol-dependent person or a
223 drug-dependent person as those terms are defined in section 17a-680,
224 (6) is subject to a restraining or protective order issued by a court in a
225 case involving the use, attempted use or threatened use of physical
226 force against another person; (7) is subject to a firearms seizure order
227 issued pursuant to subsection (d) of section 29-38c after notice and
228 hearing; (8) is prohibited from shipping, transporting, possessing or
229 receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien
230 illegally or unlawfully in the United States.

231 Sec. 5. Subsection (b) of section 29-37p of the general statutes is
232 repealed and the following is substituted in lieu thereof (*Effective*
233 *October 1, 2015*):

234 (b) The Commissioner of Emergency Services and Public Protection
235 shall issue a long gun eligibility certificate unless said commissioner
236 finds that the applicant: (1) Has failed to successfully complete a
237 course approved by the Commissioner of Emergency Services and
238 Public Protection in the safety and use of firearms including, but not
239 limited to, a safety or training course in the use of firearms available to
240 the public offered by a law enforcement agency, a private or public
241 educational institution or a firearms training school, utilizing
242 instructors certified by the National Rifle Association or the
243 Department of Energy and Environmental Protection and a safety or
244 training course in the use of firearms conducted by an instructor
245 certified by the state or the National Rifle Association; (2) has been
246 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation
247 of [subsection (c) of] section 21a-279, as amended by this act, or section
248 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178
249 or 53a-181d; (3) has been convicted as delinquent for the commission
250 of a serious juvenile offense, as defined in section 46b-120; (4) has been
251 discharged from custody within the preceding twenty years after
252 having been found not guilty of a crime by reason of mental disease or
253 defect pursuant to section 53a-13; (5) has been confined in a hospital
254 for persons with psychiatric disabilities, as defined in section 17a-495,

255 within the preceding sixty months by order of a probate court; (6) has
256 been voluntarily admitted to a hospital for persons with psychiatric
257 disabilities, as defined in section 17a-495, within the preceding six
258 months for care and treatment of a psychiatric disability and not solely
259 for being an alcohol-dependent person or a drug-dependent person as
260 those terms are defined in section 17a-680; (7) is subject to a restraining
261 or protective order issued by a court in a case involving the use,
262 attempted use or threatened use of physical force against another
263 person; (8) is subject to a firearms seizure order issued pursuant to
264 subsection (d) of section 29-38c after notice and hearing; (9) is
265 prohibited from shipping, transporting, possessing or receiving a
266 firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or
267 unlawfully in the United States.

268 Sec. 6. Subsection (a) of section 53a-217 of the general statutes is
269 repealed and the following is substituted in lieu thereof (*Effective*
270 *October 1, 2015*):

271 (a) A person is guilty of criminal possession of a firearm,
272 ammunition or an electronic defense weapon when such person
273 possesses a firearm, ammunition or an electronic defense weapon and
274 (1) has been convicted of a felony committed prior to, on or after
275 October 1, 2013, or of a violation of [subsection (c) of] section 21a-279,
276 as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-
277 63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after
278 October 1, 2013, (2) has been convicted as delinquent for the
279 commission of a serious juvenile offense, as defined in section 46b-120,
280 (3) has been discharged from custody within the preceding twenty
281 years after having been found not guilty of a crime by reason of mental
282 disease or defect pursuant to section 53a-13, (4) knows that such
283 person is subject to (A) a restraining or protective order of a court of
284 this state that has been issued against such person, after notice and an
285 opportunity to be heard has been provided to such person, in a case
286 involving the use, attempted use or threatened use of physical force
287 against another person, or (B) a foreign order of protection, as defined

288 in section 46b-15a, that has been issued against such person in a case
289 involving the use, attempted use or threatened use of physical force
290 against another person, (5) (A) has been confined on or after October 1,
291 2013, in a hospital for persons with psychiatric disabilities, as defined
292 in section 17a-495, within the preceding sixty months by order of a
293 probate court, or with respect to any person who holds a valid permit
294 or certificate that was issued or renewed under the provisions of
295 section 29-28, as amended by this act, or 29-36f, as amended by this act,
296 in effect prior to October 1, 2013, such person has been confined in
297 such hospital within the preceding twelve months, or (B) has been
298 voluntarily admitted on or after October 1, 2013, to a hospital for
299 persons with psychiatric disabilities, as defined in section 17a-495,
300 within the preceding six months for care and treatment of a psychiatric
301 disability and not solely for being an alcohol-dependent person or a
302 drug-dependent person as those terms are defined in section 17a-680,
303 (6) knows that such person is subject to a firearms seizure order issued
304 pursuant to subsection (d) of section 29-38c after notice and an
305 opportunity to be heard has been provided to such person, or (7) is
306 prohibited from shipping, transporting, possessing or receiving a
307 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,
308 "convicted" means having a judgment of conviction entered by a court
309 of competent jurisdiction, "ammunition" means a loaded cartridge,
310 consisting of a primed case, propellant or projectile, designed for use
311 in any firearm, and a motor vehicle violation for which a sentence to a
312 term of imprisonment of more than one year may be imposed shall be
313 deemed an unclassified felony.

314 Sec. 7. Subsection (a) of section 53a-217c of the general statutes is
315 repealed and the following is substituted in lieu thereof (*Effective*
316 *October 1, 2015*):

317 (a) A person is guilty of criminal possession of a pistol or revolver
318 when such person possesses a pistol or revolver, as defined in section
319 29-27, and (1) has been convicted of a felony committed prior to, on or
320 after October 1, 2013, or of a violation of [subsection (c) of] section 21a-

279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 1994, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) (A) has been confined prior to October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or, with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29-28, as amended by this act, or 29-36f, as amended by this act, in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, (5) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person, (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or

356 unlawfully in the United States. For the purposes of this section,
357 "convicted" means having a judgment of conviction entered by a court
358 of competent jurisdiction.

359 Sec. 8. Subsection (b) of section 18-100h of the general statutes is
360 repealed and the following is substituted in lieu thereof (*Effective*
361 *October 1, 2015*):

362 (b) Notwithstanding any provision of the general statutes,
363 whenever a person is sentenced to a term of imprisonment for a
364 violation of section 21a-267 or [subsection (c) of section] 21a-279, as
365 amended by this act, and committed by the court to the custody of the
366 Commissioner of Correction, the commissioner may, after admission
367 and a risk and needs assessment, release such person to such person's
368 residence subject to the condition that such person not leave such
369 residence unless otherwise authorized. Based upon the assessment of
370 such person, the commissioner may require such person to be subject
371 to electronic monitoring, which may include the use of a global
372 positioning system and continuous monitoring for alcohol
373 consumption, to drug testing on a random basis, and to any other
374 conditions that the commissioner may impose. Any person released
375 pursuant to this subsection shall remain in the custody of the
376 commissioner and shall be supervised by employees of the department
377 during the period of such release. Upon the violation by such person of
378 any condition of such release, the commissioner may revoke such
379 release and return such person to confinement in a correctional facility.
380 For purposes of this subsection, "continuous monitoring for alcohol
381 consumption" means automatically testing breath, blood or
382 transdermal alcohol concentration levels and tamper attempts at least
383 once every hour regardless of the location of the person being
384 monitored.

385 Sec. 9. Section 54-124a of the general statutes is repealed and the
386 following is substituted in lieu thereof (*Effective June 30, 2015*):

387 (a) (1) There shall be a Board of Pardons and Paroles within the

388 Department of Correction, for administrative purposes only. [On and
389 after July 1, 2008, and prior to July 1, 2010, the board shall consist of
390 eighteen members, and on and after July 1, 2010, the] On and after July
391 1, 2015, the board shall consist of [twenty members. The Governor
392 shall appoint all members of the board] ten full-time and up to five
393 part-time members appointed by the Governor with the advice and
394 consent of both houses of the General Assembly. [On and after July 1,
395 2008, twelve of the members shall serve exclusively on parole release
396 panels, five of the members shall serve exclusively on pardons panels
397 and the chairperson may serve on both parole release panels and
398 pardons panels, except that on and after July 1, 2010, seven of the
399 members shall serve exclusively on pardons panels.] The term of any
400 part-time member serving on the board on June 30, 2015, shall expire
401 on said date. On or after July 1, 2015, the Governor may appoint up to
402 five persons to serve as part-time members. In the appointment of the
403 members, the Governor shall specify if the member is being appointed
404 as [chairperson, the full-time and part-time members being appointed
405 to serve on parole release panels and the members being appointed to
406 serve on pardons panels] full-time or part-time. In the appointment of
407 the members, the Governor shall comply with the provisions of section
408 4-9b. The Governor shall appoint a chairperson from among the
409 membership. The members of the board [appointed on or after
410 February 1, 2008,] shall be qualified by education, experience or
411 training in the administration of community corrections, parole or
412 pardons, criminal justice, criminology, the evaluation or supervision of
413 offenders or the provision of mental health services to offenders. Each
414 appointment of a member of the board submitted by the Governor to
415 the General Assembly, except as provided in subdivision (2) of this
416 subsection, shall be referred, without debate, to the [committee on]
417 joint standing committee of the General Assembly having cognizance
418 of matters relating to the judiciary which shall report [thereon] on each
419 appointment not later than thirty legislative days after the date of
420 reference.

421 (2) If, not later than September 1, 2015, the Governor appoints a

422 part-time member and such member was previously a member whose
423 term expired June 30, 2015, such appointment shall take effect
424 immediately without confirmation by the General Assembly.

425 (b) The term of each [appointed member of the board serving on
426 June 30, 2008, who had been assigned by the chairperson exclusively to
427 parole hearings, shall expire on said date. The term of each] member of
428 the board [serving on June 30, 2008, who had been appointed
429 chairperson, had been assigned by the chairperson exclusively to
430 pardons hearings or has been appointed by the Governor on or after
431 February 1, 2008,] shall be coterminous with the term of the Governor
432 or until a successor is chosen, whichever is later. Any vacancy in the
433 membership of the board shall be filled for the unexpired portion of
434 the term by the Governor.

435 (c) [The chairperson and five of the members of the board appointed
436 by the Governor on or after February 1, 2008, to serve on parole release
437 panels] Ten of the members of the board shall devote full time to the
438 performance of their duties under this section and shall be
439 compensated therefor in such amount as the Commissioner of
440 Administrative Services determines, subject to the provisions of section
441 4-40. The other members of the board shall receive one hundred ten
442 dollars for each day spent in the performance of their duties and shall
443 be reimbursed for necessary expenses incurred in the performance of
444 such duties. The chairperson or, in the chairperson's absence or
445 inability to act, a member designated by the chairperson to serve
446 temporarily as chairperson, shall be present at all meetings of the
447 board and participate in all decisions. [thereof.]

448 (d) The chairperson shall be the executive and administrative head
449 of said board and shall have the authority and responsibility for (1)
450 overseeing all administrative affairs of the board, (2) assigning
451 members to panels, (3) establishing procedural rules for members to
452 follow when conducting hearings, reviewing recommendations made
453 by employees of the board and making decisions, (4) adopting policies
454 in all areas of pardons and paroles including, but not limited to,

455 granting pardons, commutations of punishments or releases,
456 conditioned or absolute, in the case of any person convicted of any
457 offense against the state and commutations from the penalty of death,
458 risk-based structured decision making and release criteria, (5)
459 consulting with the Department of Correction on shared issues
460 including, but not limited to, prison overcrowding, (6) consulting with
461 the Judicial Branch on shared issues of community supervision, and (7)
462 signing and issuing subpoenas to compel the attendance and
463 testimony of witnesses at parole proceedings. Any such subpoena shall
464 be enforceable to the same extent as subpoenas issued pursuant to
465 section 52-143.

466 (e) [Of the members appointed prior to February 1, 2008, the
467 chairperson shall assign seven members exclusively to parole release
468 hearings and shall assign five members exclusively to pardons
469 hearings. Except for the chairperson, no member assigned to parole
470 release hearings may be assigned subsequently to pardons hearings
471 and no member assigned to pardons hearings may be assigned
472 subsequently to parole release hearings. Prior to July 1, 2008, each
473 parole release panel shall be composed of two members from among
474 the members assigned by the chairperson exclusively to parole release
475 hearings or the members appointed by the Governor on or after
476 February 1, 2008, to serve exclusively on parole release panels, and the
477 chairperson or a member designated to serve temporarily as
478 chairperson, for each correctional institution. On and after July 1, 2008,
479 and prior to October 5, 2009, each parole release panel shall be
480 composed of two members appointed by the Governor on or after
481 February 1, 2008, to serve on parole release panels, at least one of
482 whom is a full-time member, and the chairperson or a full-time
483 member designated to serve temporarily as chairperson, for each
484 correctional institution. On and after October 5, 2009, each] Each parole
485 release panel shall be composed of two members [appointed by the
486 Governor to serve on parole release panels] and the chairperson or a
487 full-time member designated by the chairperson to serve temporarily
488 as chairperson. [, for each correctional institution. Such parole release

panels shall be the paroling authority for the institutions to which they are assigned and] On and after January 1, 2016, not less than [two] three members shall be present at each parole hearing. Each pardons panel shall be composed of three members, [from among the members assigned by the chairperson exclusively to pardons hearings or the members appointed by the Governor on or after February 1, 2008, to serve on pardons panels,] one of whom may be the chairperson, except that for hearings on commutations from the penalty of death, one member of the panel shall be the chairperson.

(f) The Board of Pardons and Paroles shall have independent decision-making authority to (1) grant or deny parole in accordance with sections 54-125, 54-125a, as amended by this act, 54-125e and 54-125g, as amended by this act, (2) establish conditions of parole or special parole supervision in accordance with section 54-126, (3) rescind or revoke parole or special parole in accordance with sections 54-127 and 54-128, (4) grant commutations of punishment or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death in accordance with section 54-130a.

(g) The Department of Correction shall be responsible for the supervision of any person transferred to the jurisdiction of the Board of Pardons and Paroles during such person's period of parole or special parole.

(h) The chairperson, or the chairperson's designee, and two members of the board [from among the members assigned by the chairperson to serve exclusively on parole release panels or the members appointed by the Governor on or after February 1, 2008, to serve on parole release panels,] shall conduct all parole release hearings, and shall approve or deny all (1) parole revocations and parole rescissions recommended by an employee of the board pursuant to section 54-127a, and (2) recommendations for parole pursuant to section 11 of this act. No panel of the Board of Pardons and Paroles shall hold a hearing to determine the suitability for parole

522 release of any person unless the chairperson of the board has made
523 reasonable efforts to determine the existence of and obtain all
524 information deemed pertinent to the panel's decision and has certified
525 that all such pertinent information determined to exist has been
526 obtained or is unavailable.

527 (i) The chairperson of the board shall appoint an executive director.
528 The executive director shall oversee the administration of the agency
529 and, at the discretion of the chairperson, shall: (1) Direct and supervise
530 all administrative affairs of the board, (2) prepare the budget and
531 annual operation plan, (3) assign staff to administrative reviews, (4)
532 organize pardons and parole release hearing calendars, (5) implement
533 a uniform case filing and processing system, and (6) create programs
534 for staff and board member development, training and education.

535 (j) The chairperson, in consultation with the executive director, shall
536 adopt regulations, in accordance with chapter 54, concerning:

537 (1) Parole revocation and rescission hearings that include
538 implementing due process requirements;

539 (2) An [administrative] expedited pardons [process] review that
540 allows an applicant convicted of a crime to be granted a pardon with
541 respect to such crime without a hearing, unless a victim of such crime
542 requests such a hearing, if such applicant was [:] convicted of a
543 nonviolent crime; and

544 [(A) Convicted of a misdemeanor and (i) such conduct no longer
545 constitutes a crime, (ii) such applicant was under twenty-one years of
546 age at the time of conviction and has not been convicted of a crime
547 during the five years preceding the date on which the pardon is
548 granted, or (iii) such conviction occurred prior to the effective date of
549 the establishment of a program under sections 17a-692 to 17a-701,
550 inclusive, section 46b-38c, 53a-39a, 53a-39c, 54-56e, 54-56g, 54-56i or 54-
551 56j for which the applicant would have been eligible had such program
552 existed at the time of conviction, provided the chairperson determines

553 the applicant would likely have been granted entry into such program;
554 or

555 (B) Convicted of a violation of section 21a-277, 21a-278 or 21a-279
556 and such applicant has not been convicted of a crime during the five
557 years preceding the date on which the pardon is granted, provided
558 such date is at least ten years after the date of such conviction or such
559 applicant's release from incarceration, whichever is later; and]

560 (3) Requiring board members [assigned to pardons hearings] to
561 issue written statements containing the reasons for rejecting any
562 application for a pardon.

563 (k) The Board of Pardons and Paroles shall hold a pardons hearing
564 at least once every three months and shall hold such hearings in
565 various geographical areas of the state. The board shall not hold a
566 pardons hearing within or on the grounds of a correctional facility
567 except when solely for the benefit of applicants who are incarcerated at
568 the time of such hearing.

569 (l) The chairperson and executive director shall establish:

570 (1) In consultation with the Department of Correction, a parole
571 orientation program for all parole-eligible inmates upon their transfer
572 to the custody of the Commissioner of Correction that will provide
573 general information on the laws and policies regarding parole release,
574 calculation of time-served standards, general conditions of release,
575 supervision practices, revocation and rescission policies, and
576 procedures for administrative review and panel hearings, and any
577 other information that the board deems relevant for preparing inmates
578 for parole;

579 (2) An incremental sanctions system for parole violations including,
580 but not limited to, reincarceration based on the type, severity and
581 frequency of the violation and specific periods of incarceration for
582 certain types of violations; and

583 (3) A formal training program for members of the board and parole
584 officers that shall include, but not be limited to, an overview of the
585 criminal justice system, the parole system including factors to be
586 considered in granting parole, victim rights and services, reentry
587 strategies, risk assessment, case management and mental health issues.

588 (m) The board shall employ at least one psychologist with expertise
589 in risk assessment and recidivism of criminal offenders who shall be
590 under the supervision of the chairperson and assist the board in its
591 parole release decisions.

592 (n) In the event of the temporary inability of any member other than
593 the chairperson to perform his or her duties, the Governor, at the
594 request of the board, may appoint a qualified person to serve as a
595 temporary member during such period of inability.

596 (o) The chairperson of the Board of Pardons and Paroles shall: (1)
597 Adopt an annual budget and plan of operation, (2) adopt such rules as
598 deemed necessary for the internal affairs of the board, and (3) submit
599 an annual report to the Governor and General Assembly.

600 (p) Any decision of the board or a panel of the board shall be made
601 by a majority of those members present.

602 Sec. 10. (NEW) (*Effective July 1, 2015*) Not later than January 1, 2016,
603 the Board of Pardons and Paroles shall develop a pardon eligibility
604 notice containing written explanatory text of the pardons process set
605 forth in chapter 961 of the general statutes. The board, in conjunction
606 with the Judicial Department and Department of Correction, shall
607 ensure that such notice is provided to a person at the time such person
608 (1) is sentenced pursuant to section 54-92 of the general statutes, (2) is
609 released by the Department of Correction, including any pretrial
610 release pursuant to section 18-100f, (3) has completed or been
611 discharged from a period of parole, and (4) has completed a period of
612 probation or conditional discharge pursuant to section 53a-29 or 53a-33
613 of the general statutes. The board shall update such notice as deemed

614 necessary by the board.

615 Sec. 11. (NEW) (*Effective July 1, 2015*) (a) An inmate (1) not convicted
616 of a crime for which there is a victim, as defined in section 54-201 of
617 the general statutes or section 54-226 of the general statutes, who is
618 known by the Board of Pardons and Paroles, (2) whose eligibility for
619 parole release is not subject to the provisions of subsection (b) of
620 section 54-125a of the general statutes, (3) who was not convicted of a
621 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
622 53a-58, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60c, 53a-64aa, 53a-64bb,
623 53a-70, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94a, 53a-95, 53a-100aa,
624 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135,
625 53a-136, 53a-167c, 53a-179b, 53a-179c, or 53a-181c of the general
626 statutes, and (4) who is not otherwise prohibited from being granted
627 parole for any reason, may be allowed to go at large on parole in
628 accordance with the provisions of section 54-125a of the general
629 statutes, as amended by this act, or section 54-125g of the general
630 statutes, as amended by this act, pursuant to the provisions of
631 subsections (b) and (c) of this section.

632 (b) A member of the board, or an employee of the board qualified
633 by education, experience or training in the administration of
634 community corrections, parole, pardons, criminal justice, criminology,
635 the evaluation or supervision of offenders or the provision of mental
636 health services to offenders, may evaluate whether parole should be
637 granted to an inmate pursuant to this section. The board member or
638 employee shall (1) use risk-based structured decision making and
639 release criteria developed under policies adopted by the board
640 pursuant to subsection (d) of section 54-124a of the general statutes, as
641 amended by this act, and (2) review the inmate's offender
642 accountability plan, including, but not limited to, the environment to
643 which the inmate plans to return upon release, to determine whether
644 parole should be recommended for such inmate.

645 (c) If the board member or qualified employee recommends parole
646 for an inmate, the chairperson of the board shall present such

647 recommendation and all pertinent information to a parole release
648 panel for approval. No parole release panel may review such
649 recommendation and determine the suitability for parole release of an
650 inmate unless the chairperson has made reasonable efforts to
651 determine the existence of and obtain all information deemed
652 pertinent to the panel's decision and has certified that all such
653 pertinent information determined to exist has been obtained or is
654 unavailable.

655 Sec. 12. Subsection (a) of section 54-125a of the general statutes is
656 repealed and the following is substituted in lieu thereof (*Effective July*
657 *1, 2015*):

658 (a) A person convicted of one or more crimes who is incarcerated on
659 or after October 1, 1990, who received a definite sentence or aggregate
660 sentence of more than two years, and who has been confined under
661 such sentence or sentences for not less than one-half of the aggregate
662 sentence less any risk reduction credit earned under the provisions of
663 section 18-98e or one-half of the most recent sentence imposed by the
664 court less any risk reduction credit earned under the provisions of
665 section 18-98e, whichever is greater, may be allowed to go at large on
666 parole in (1) accordance with the provisions of section 11 of this act, or
667 (2) the discretion of [the] a panel of the Board of Pardons and Paroles,
668 [for the institution in which the person is confined,] if [(1)] (A) it
669 appears from all available information, including any reports from the
670 Commissioner of Correction that the panel may require, that there is
671 reasonable probability that such inmate will live and remain at liberty
672 without violating the law, and [(2)] (B) such release is not incompatible
673 with the welfare of society. At the discretion of the panel, and under
674 the terms and conditions as may be prescribed by the panel including
675 requiring the parolee to submit personal reports, the parolee shall be
676 allowed to return to the parolee's home or to reside in a residential
677 community center, or to go elsewhere. The parolee shall, while on
678 parole, remain under the jurisdiction of the board until the expiration
679 of the maximum term or terms for which the parolee was sentenced

680 less any risk reduction credit earned under the provisions of section
 681 18-98e. Any parolee released on the condition that the parolee reside in
 682 a residential community center may be required to contribute to the
 683 cost incidental to such residence. Each order of parole shall fix the
 684 limits of the parolee's residence, which may be changed in the
 685 discretion of the board and the Commissioner of Correction. Within
 686 three weeks after the commitment of each person sentenced to more
 687 than two years, the state's attorney for the judicial district shall send to
 688 the Board of Pardons and Paroles the record, if any, of such person.

689 Sec. 13. Section 54-125g of the general statutes is repealed and the
 690 following is substituted in lieu thereof (*Effective July 1, 2015*):

691 Notwithstanding the provisions of sections 18-100d, 54-124c and 54-
 692 125a, as amended by this act, any person who has six months or less to
 693 the expiration of the maximum term or terms for which such person
 694 was sentenced, may be allowed to go at large on parole pursuant to
 695 section 11 of this act or following a hearing pursuant to section 54-
 696 125a, as amended by this act, provided such person agrees (1) to be
 697 subject to supervision by personnel of the Department of Correction
 698 for a period of one year, and (2) to be retained in the institution from
 699 which such person was paroled for a period equal to the unexpired
 700 portion of the term of his or her sentence if such person is found to
 701 have violated the terms or conditions of his or her parole. Any person
 702 subject to the provisions of subdivision (1) or (2) of subsection (b) of
 703 section 54-125a shall only be eligible to go at large on parole under this
 704 section after having served ninety-five per cent of the definite sentence
 705 imposed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	21a-279
Sec. 2	October 1, 2015	7-294d(c)
Sec. 3	October 1, 2015	29-28(b)
Sec. 4	October 1, 2015	29-36f(b)

Sec. 5	<i>October 1, 2015</i>	29-37p(b)
Sec. 6	<i>October 1, 2015</i>	53a-217(a)
Sec. 7	<i>October 1, 2015</i>	53a-217c(a)
Sec. 8	<i>October 1, 2015</i>	18-100h(b)
Sec. 9	<i>June 30, 2015</i>	54-124a
Sec. 10	<i>July 1, 2015</i>	New section
Sec. 11	<i>July 1, 2015</i>	New section
Sec. 12	<i>July 1, 2015</i>	54-125a(a)
Sec. 13	<i>July 1, 2015</i>	54-125g

Statement of Legislative Commissioners:

In section 1(a), "or has under his or her control" was added for consistency. In section 9(a)(2), "action" was changed to "confirmation" for consistency. In section 12(a)(2), "for the institution in which the person is confined," was bracketed in conformance with section 9.

JUD *Joint Favorable Subst.*